
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
WNAP, Inc.)	File No. EB-08-PA-0356
Owner of Antenna Structures)	
Norristown, Pennsylvania)	NOV No. V200832400025
)	
)	

NOTICE OF VIOLATION

Released: August 4, 2008

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation ("Notice") issued pursuant to Section 1.89 of the Commission's Rules¹ to WNAP, Inc., owner of three unregistered antenna structures located in Norristown, Pennsylvania.
2. On June 30, 2008, agents of the Commission's Philadelphia Office inspected the three-tower directional antenna array for station WNAP located on Arch Street at New Hope Road in Norristown, Pennsylvania (N40-08-05, W075-18-48) and observed the following violation:

47 C.F.R. § 17.4(a): "Effective July 1, 1996, the owner of any proposed or existing antenna structure that requires notice of proposed construction to the Federal Aviation Administration must register the structure with the Commission." While notices of proposed construction generally are required only for towers that exceed 200 feet, 47 C.F.R. § 17.7(b) specifies circumstances under which notices of proposed construction to the FAA are required for towers less than 200 feet that are near airports. The agents determined that, pursuant to 47 C.F.R. § 17.7(b)(1), the WNAP towers required a notification of proposed construction to the FAA and therefore required registration with the FCC.² At the time of the inspection, the agents

¹ 47 C.F.R. § 1.89.

² The antenna structure requires notice of construction to the FAA and registration with the FCC because it fails the 100:1 slope criteria with respect to Wings Field Airport. The agent used a Commission program called TOWAIR, <http://wireless2.fcc.gov/UlsApp/AsrSearch/towairSearch.jsp>, to determine that WNAP, Inc.'s antenna structure exceeds the 100:1 slope criteria with respect to the Wings Field Airport. This determination was based on the antenna structure's overall height above ground level of 199 feet, site elevation of 263 feet and NAD83 coordinates 40-08-05 North and 075-18-48 W. On July 11, 2008, WNAP, Inc. provided the Philadelphia Office with a copy of the Notice of Proposed Construction or Alteration (FAA Study No. 87-AEA-0709-OE) that Alpha Omega Communications, Inc. submitted to the Federal Aviation Administration on April 30, 1987 for the construction of WNAP's three-tower directional

Federal Communications Commission

found that WNAP, Inc. failed to register its antenna structures with the Commission

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, WNAP, Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the tower owner. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Philadelphia Office
One Oxford Valley Building, Suite 404
2300 East Lincoln Highway
Langhorne, Pennsylvania 19047

4. This Notice shall be sent to WNAP, Inc. at its address of record.
5. The Privacy Act of 1974⁴ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁵

FEDERAL COMMUNICATIONS COMMISSION

Gene Stanbro
District Director
Philadelphia District Office
Northeast Region
Enforcement Bureau

antenna array. On May 28, 1987, the FAA granted the proposal and specified that no marking and lighting are necessary on the WNAP towers.

³ 47 U.S.C. § 403.

⁴ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁵ 18 U.S.C. § 1001 *et seq.*